

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** May 17, 2011

**SUBJECT:** BZA Application No. 18212 – Request for a special exception under § 213 to continue the existing parking lot at 3053 M Street, N.W.

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**I. SUMMARY RECOMMENDATION**

The Office of Planning recommends approval of the requested special exception pursuant to §§ 213 and 31041.1 to continue the parking lot use, subject to the conditions listed at the end of this report.

**II. AREA AND SITE DESCRIPTION**

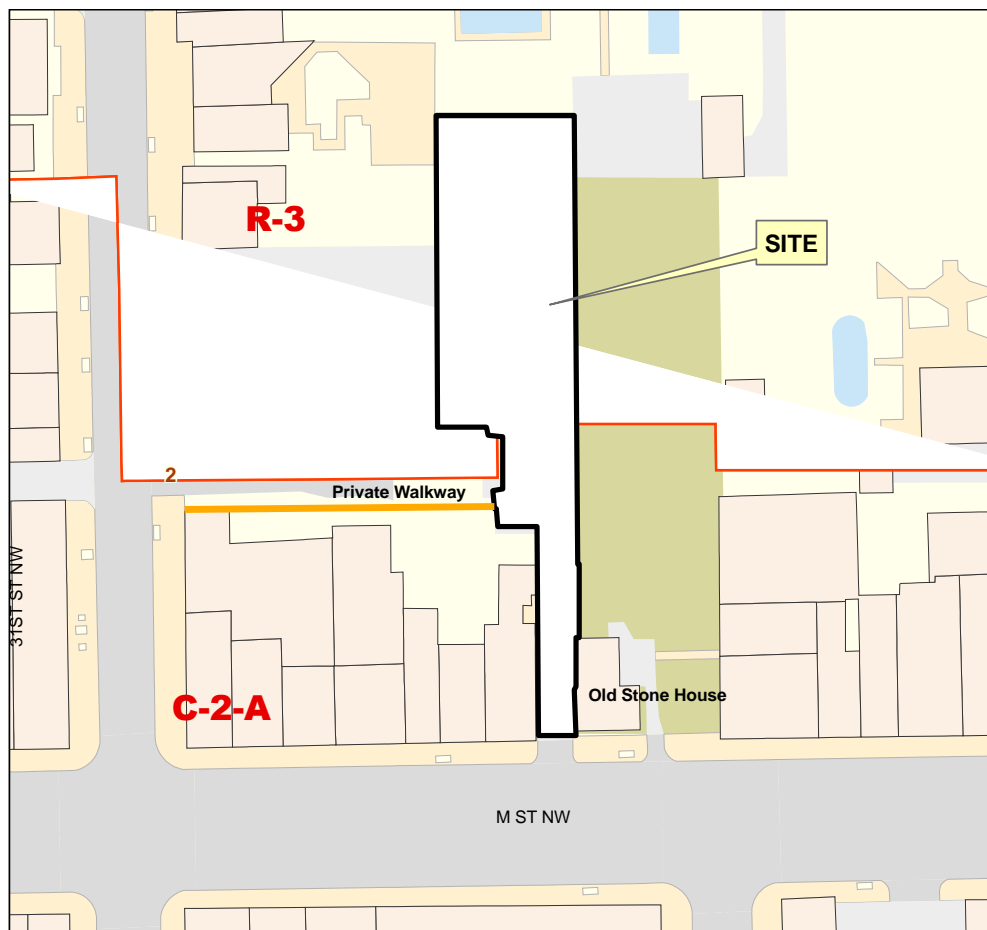
Address	3053 M Street, N.W.
Legal Description	Square 1209, Lot 910
Ward	2E
Lot Characteristics	Panhandle shaped lot with access from M Street
Existing Development	Surface parking lot with up to 50 spaces enclosed by brick walls and wooden fences. Access is from M Street, N.W. A private walkway (by others) provides additional pedestrian access from 31 <sup>st</sup> Street.
Zoning	R-3 – Parking lots permitted subject to special exception approval. C-2-A- Parking lots permitted as a matter-of-right.
Historic District	Georgetown
Adjacent Properties	East: Old Stone House (historic), followed by commercial buildings. West: Commercial buildings. North: Row houses, semi-detached dwellings, and small apartment buildings South: Across M Street, commercial buildings.
Surrounding Neighborhood Character:	Commercial district along M Street; residential uses to the north.



### III. APPLICATION IN BRIEF

The applicant proposes to continue to operate the parking lot similar to the way it has been operating with patrons parking their own cars within the lot. The proposed hours of operation would be as shown below.

- Monday through Thursday, 8:00 AM to 11:30 PM;
- Friday, 8:00 AM to 3:00 AM;
- Saturday, 9:00 AM to 3:00 AM; and
- Sunday, 10:00 AM to 10:00 PM.



Zoning and Vicinity Map

### IV. BACKGROUND

Previous BZA actions involving this site include:

- In August 1958, Appeal No. 5103 permitted the establishment of the parking lot.

- On May 3, 1961, Appeal No. 6260 was granted to continue the parking lot for a period of five years.
- On March 28, 1967, Appeal 9123 was granted to continue the parking lot within the R-3 district for a period of five years.
- On November 1, 1972, Application No. 11144 was granted to continue the parking lot for a period of five years.
- On April 5, 1978, Application No. 12580 was granted to continue the use of the parking lot for a period of three years.
- On September 4, 1981, Application No. 13510 was granted to continue the use of the parking lot for a period of five years.
- On June 24, 1987, Application No. 14617 was granted to continue the use of the parking lot for a period of five years.
- On September 11, 1991, Application No. 15537 was granted to continue the use of the parking lot for a period of ten years.
- On July 3, 2001, Application No. 16724 was granted to continue the parking lot for a period of ten years.

## V. ZONING ANALYSIS

### Section 213 Parking Lots

*213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.*

The parking lot is partially zoned C-2-A (commercial). The R-3 portion of the lot is located within two hundred feet (200 ft.) of a C-2-A district bordering M Street, N.W.

*213.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

The R-3 portion of the parking lot is contiguous to the C-2-A district located along M Street, N.W.

*213.4 All provisions of chapter 23 of this title shall be complied with.*

The application is in compliance with the provisions of § 2303, as described below.

*213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.*

The lot is manned by an attendant at the entrance to the lot, and has been in operation for over fifty years. Views into the sight from M Street are minimized due to the narrow width of the lot at M Street (16.37 feet) and location of buildings constructed along the common side lot lines.

In 2001 the Board last granted the continuation of the lot subject to eight conditions intended to ensure that the neighborhood would not be adversely impacted. The Office of Planning recommends the continuation of several of those conditions for the same reason. Because the ANC requested that the application be approved for another ten years, the Office of Planning recommends that the approval continue to be subject to a time limit.

However, OP does recommend the deletion of the many conditions that repeat the criteria contained within the Zoning Regulations, as these are conditions that the applicant must abide by if the application is granted by the Board. As the parking lot is located adjacent to residential used properties, the Office of Planning also recommends adding a condition restricting the hours of operation as proposed by the applicant.

Below are the conditions as contained in the last order for the continuation of the parking lot (BZA Order 16724), as modified by the Office of Planning. New language is shown in **bold** and deleted language in ~~strikeout~~.

1. Approval shall be for a period of TEN YEARS from the final date of this Order.
2. ~~All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving material forming an all-weather impervious surface.~~
3. Bumper stops shall be ~~erected and~~ maintained for the protection of all adjoining buildings.
4. ~~No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.~~
5. ~~All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.~~
6. ~~No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.~~
7. ~~Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.~~
8. The applicant shall obtain a valid Certificate of Occupancy (C of O) for the parking lot use approved by this order.
9. **Hours of operation shall be:**
  - **Monday through Thursday, 8:00 AM to 11:30 PM;**
  - **Friday, 8:00 AM to 3:00 AM;**
  - **Saturday, 9:00 AM to 3:00 AM; and**
  - **Sunday, 10:00 AM to 10:00 PM.**

The Historic Preservation Office within the Office of Planning had no comments on the application.

*213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.*

The parking lot serves business within the surrounding area, providing off-street parking accommodations for those businesses without the need for them to utilize the surrounding streets for parking.

- 213.7 *A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.*

The parking lot serves the short-term parking needs of retail and service uses in the vicinity.

- 213.8 *Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.*

DDOT informed the Office of Planning by telephone that it had no comments on the application.

### **Section 2303, Parking Lots**

2303.1 *A parking lot in any district shall conform to the following provisions:*

- (a) *All areas devoted to driveways, access lanes, and parking areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.*

The lot is paved with bituminous materials, which form an all-weather surface.

- (b) *The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.*

The parking lot is enclosed by brick walls on the northern, western and a portion of the eastern lot lines, and a wooden fence on a stone base along the remainder of the eastern lot line, which prevent vehicle from projecting over any of the lot lines.

- (c) *No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use is otherwise permitted in the district in which the parking lot is located.*

No other use is proposed to be conducted from the premises.

- (d) *No vehicular entrance or exist shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.*

No vehicular entrance is located within forty feet from a street intersection. The nearest street intersection is located approximately 160 feet to the west (31<sup>st</sup> and M streets.)

- (e) *Any lighting used to illuminate a parking lot its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.*

All lighting would continue to be arranged and directed so that it is confined to the surface to the parking lot.

- (f) *The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a health growing condition and in a neat and orderly appearance. Landscaping with trees and shrub shall cover a minimum of five percent (5%) of the total area of the parking lot or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.*

Landscaping on the site is one percent, less than the minimum five percent required,

and would continue to be limited to the edges of the parking lot, including trees, shrubs and vines. As the Board previously found this landscaping to be acceptable and that it created a “*sense of landscape setting with the existing arrangement*” the last time the use was approved by the Board (BZA 16724), the Office of Planning has no concerns with the continuation of the existing situation, but would support the provision of additional landscaping.

*2303.2 In addition to the requirements of §2303.1, a parking lot located in an R-1 District ... shall be screened from all contiguous residential property located in the R-1 ... District by a solid brick wall or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges or evergreen trees that are thickly planted and maintained and at least forty-two inches (42 in.) in height when planted.*

*(a) The parking lot shall be screened from all contiguous residential property located in the R-1, R-2 or R-3 District by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high.*

The lot would continue to be screened from all residentially used properties by brick walls between seven and 9.5 feet in height. The remainder of the lot would continue to be screened from the rear yard of the Old Stone House, a historic property, by a wooden fence between four feet and 5 feet, 10 inches in height, as was previously approved. As the Board previously found this arrangement to be acceptable (BZA 16724) and the Historic Preservation Office had no comments on the application, the Office of Planning recommends the continuation of this screening arrangement.

*(b) All parts of the lot not devoted to parking area, driveway, access lane, attendant's shelter, or required screening walls shall be paved or landscaped. Landscaping shall be maintained in a health growing condition, and in a neat and orderly appearance.*

The existing landscaping along around the parking lot softens the edges of the lot and the Board found the existing situation in 2001 to be acceptable, the last time the use was continued.

*2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.*

The Office of Planning makes no special treatment recommendations.

The Office of Planning concludes that the subject application is in conformance with the provisions of §§ 213 and 2303.

## **VI. COMMUNITY COMMENTS**

ANC 2E, at its regularly scheduled meeting of April 4, 2011, had no objection to the continued use of the parking lot for ten years.

## **VII. AGENCY COMMENTS**

DDOT informed the Office of Planning that it had no comments on the application.

## **VIII. RECOMMENDATION**

The Office of Planning finds the proposed application to be in conformance with the criteria

contained within §§ 213 and 2303 of the Zoning Regulations, subject to the below listed conditions to ensure that it would have no adverse impacts on the surrounding community. Therefore, the Office of Planning recommends that the Board approve this special exception application to continue the use of the existing parking lot, subject to the following conditions:

1. Approval shall be for a period of TEN YEARS from the final date of this Order.
2. Bumper stops shall be maintained for the protection of all adjoining buildings.
3. Hours of operation shall be:
  - Monday through Thursday, 8:00 AM to 11:30 PM;
  - Friday, 8:00 AM to 3:00 AM;
  - Saturday, 9:00 AM to 3:00 AM; and
  - Sunday, 10:00 AM to 10:00 PM.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP





